

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN DENNIS, on behalf of FutureSelect Prime
Advisor II, LLC as a member, on behalf of the Rye
Select Broad Market Funds as a Limited Partner,

Plaintiff,

v.

TREMONT GROUP HOLDINGS, INC.,
TREMONT PARTNERS, INC., RYE
INVESTMENT MANAGEMENT (a.k.a. RYE
INVESTMENTS INC.), OPPENHEIMER
ACQUISITION CORPORATION,
OPPENHEIMERFUNDS, INC.,
MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY, ROBERT I.
SCHULMAN, JIM MITCHELL, JOHN V.
MURPHY, KPMG L.L.P., BANK OF NEW YORK
MELLON CORPORATION, BNY
ALTERNATIVE INVESTMENT SERVICES,
INC., FUTURESELECT PORTFOLIO
MANAGEMENT, INC., and RON WARD,

Defendants,

-and-

FUTURESELECT PRIME ADVISOR II, LLC
RYE SELECT BROAD MARKET FUND LP,
RYE SELECT BROAD MARKET PRIME FUND
LP, AND RYE SELECT BROAD MARKET XL
FUND LP,

Nominal Defendants.

No. C09-0315 TSZ

NOTICE OF VOLUNTARY
DISMISSAL PURSUANT TO FED.
R. CIV. P. 41(a) WITHOUT
PREJUDICE

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FED. R.
CIV. P. 41(a) WITHOUT PREJUDICE
Case No. C09-0315 TSZ

010118-11 300429 V1



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2 Plaintiff, John Dennis, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) hereby files this Notice
3 of Voluntary Dismissal without prejudice. Rule 41(a)(1)(A)(i) applies to this action because the
4 opposing parties have neither served an answer nor otherwise moved for summary judgment, and
5 the class claims have not been certified. In addition, Plaintiff has joined in the consolidated
6 litigation entitled "In Re Tremont Securities law, State Law and Insurance litigation" pending in
7 Southern District of New York.

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9 DATED: April 29, 2009.

10 HAGENS BERMAN SOBOL SHAPIRO LLP

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23 *Attorneys for Plaintiff*
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CERTIFICATE OF SERVICE

On April 29, 2009, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

Also on April 29, 2009, a copy of the foregoing document was served on the following non-ECF participant in the manner indicated:

Via Hand Delivery

Tremont Group Holdings, Inc.
c/o Tannenbaum Helpert Syracuse & Hirschtritt LLP
900 Third Avenue
New York, NY 10022

Via Hand Delivery

Tremont Partners, Inc.
c/o Tannenbaum Helpert Syracuse & Hirschtritt LLP
900 Third Avenue
New York, NY 10022

Executed this 29th day of April, 2009, in Seattle, Washington.

HAGENS BERMAN SOBOL SHAPIRO LLP

By: s/ Steve W. Berman
Steve W. Berman, WSBA #12536